

WALL TOWNSHIP

ORDINANCE NO. 7 - 1990

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XV, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL 1977, AS AMENDED AND SUPPLEMENTED.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL in the County of Monmouth and State of New Jersey as follows:

Section 1. Purpose. The purpose of this Ordinance is to create zone district and provide development regulations for a specific tract of land which is included in the Housing Plan and Fair Share Plan Element of the Wall Township Master Plan as adopted on August 1, 1988 and in conformance with the Wall Township Mount Laurel Compliance Plan in conjunction with Docket No. L-051262-84, Cove Industries, Ltd. v. Wall Township, and related Mount Laurel cases, by His Honor Eugene D. Serpentelli, A.J.S.C.

This Ordinance creates a new Zone District as follows:

ML-3 Mount Laurel-3

Section 2. Chapter XV "Zoning" Subsection 15-4.21, Zoning Map Amendments, is hereby amended to read as follows:

- a. No change

b. No change

c. The map entitled "Zoning Map of the Township of Wall" dated May 30, 1979 is hereby amended and revised as follows:

(1) Block 274, Lot 28 located north of Ocean Road west of Route No. 35 consisting of approximately 18.93 acres is hereby rezoned from B-2 and R-30 to ML-3, Mount Laurel-3.

Section 3. Chapter XV, "Zoning", Section 15-18 is hereby amended to read as follows: [Residential High Density] Mount Laurel Zones.

Section 4. Chapter XV, "Zoning", Section 15-18 is hereby amended to add a new Section 15-18.3.6 ML-3, Mount Laurel-3 Zone, as follows:

Section 15-18.3 ML-3, Mount Laurel-3 Zone.

a. Purpose. The purposes of the ML-3 Zone District shall be as follows:

(see a. 1)

b. Approving Authority. The Planning Board shall be the approving authority for all applications for development under this Subsection.

(INSET)

1. In order to satisfy the constitutional obligations of the Township, as set forth by the New Jersey Supreme Court in its Mount Laurel I and Mount Laurel II decisions greater flexibility in design, layout and construction of residential development must be permitted in order to encourage developers to participate in the Mount Laurel compliance process. The regulations established by this section are intended to promote that purpose and to meet the Township's responsibilities to protect and defend its natural resources ecological systems, open spaces, natural beauty and the value of property within the Township while at the same time providing for its fair share of the region's need for affordable housing.

2. The regulations established by this section are also intended to:

(a) Preserve the Township's environmental and natural resources and avoid potential hazards thereto in anticipation of future development.

(b) Avoid environmental degradation and its resultant harmful effects upon the public health, safety and welfare.

(c) Encourage innovations in housing design and land development techniques and provide for necessary facilities for such developments.

(d) Promote compatibility with the Township's current zoning plan and pattern of development.

(e) Encourage retention and preservation of woodlands, surface water, swamps, aquifer, recharge areas, poorly drained soils, floodplains and other open space areas for aesthetic and scenic beauty, passive recreation, rejuvenation of resources and preservation of the ecological systems of the Township.

(f) Encourage more effective use of land and of public services.

(g) Preserve the residential integrity of the Township.

(h) Ensure compatibility among various land uses.

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(f) Encourage more effective use of land and of public services.

(g) Preserve the residential integrity of the Township.

(h) Ensure compatibility among various land uses.

c. Eligibility for Participation. In every area zoned for ML-3 property may be developed in accordance with the provisions of the Zone District Regulations cited in the permitted uses, or a developer may elect to participate in the Mount Laurel Compliance process. A developer shall be eligible to participate upon satisfaction of the following conditions:

- (1) Proof of ownership or a signed contract of sale of land within an area zoned for ML-3 in conformance with the adopted Housing Plan and Fair Share Plan Element of the Wall Township Master Plan and a Developer's Agreement with the Township of Wall stipulating the amount and phasing of the contributions to be made to the Wall Township Affordability Housing Trust Fund in accordance with Section 15-5.18.

Section 15-18.2.1 Permitted Principal Uses. In the ML-3 Zone no site shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- a. For developments not participating in the Mount Laurel-3 Program development shall conform with the R-30 Zone District Regulations.

b. For developments participating in the Mount Laurel Compliance Program the following uses are permitted:

- (1) Single family detached dwelling units.
- (2) For developments participating in the Mount Laurel Compliance Program the development shall conform with the provisions of Subsection 15-18.6.4.
- (3) Multiple family dwelling units including townhouses, apartments and flats.
- (4) Single family cluster detached dwelling units.
- (5) Single family attached dwelling units.
- (6) Public parks, playgrounds, conservation areas and municipal services and facilities.

15 - 18.3.2 Permitted Accessory Uses.

- a. Common recreational facilities and structures and common open space.
- b. Private attached garage with a capacity for garaging not more than two automobiles per unit.

- c. Storage sheds attached to and incorporated in the design of individual dwelling units.
- d. Signs identifying the name of a development and not exceeding twenty-four (24) square feet in area, one of which may be located at each entrance to a development from an external street.
- e. Fences in perimeter or screening areas or private outdoor areas between dwelling units.
- f. Freestanding garages for up to four vehicles.
- g. Such other customary accessory uses and structures as may be permitted by the approving authority.

15-18.33 Compliance with Subdivision and Site Plan Standards.

A proposed development which qualifies for approval under the Mount Laurel-3 Program in the ML-3 Zone shall be subject to all of the requirements of Chapter XV, "Zoning"; Chapter XIV; Land Use Procedures; and Chapter XVI, Site Plan and Chapter XVII, Land Subdivision; of the General Ordinances of the Township of Wall, except as set forth herein.

15-18.34 Density and Development Regulations. Development in the ML-3 Zone shall be subject to the following density and development regulations.

a. Density

Maximum gross density shall not exceed three (3) dwelling units per acre for the entire tract and shall not exceed the following lot area and density standards:

- (1) Single family detached dwelling units - Minimum lot size of 15,000 square feet per dwelling unit on "developable land" as defined in (5) below.
- (2) Multi-family dwelling units - There shall not be more than six (6) dwelling units constructed for each acre of "developable land" within the tract as defined in (5) below.
- (3) Single family cluster detached dwelling units - Density on "developable land" shall not exceed three (3) dwelling units per acre and no lot shall be less than 12,000 square feet.
- (4) Single family cluster attached dwelling units - Density on "developable land" shall not exceed three (3) dwelling units per acre and no dwelling shall have less than 2,000 square feet of dwelling area excluding common open space areas.

(5) "Developable Land" shall mean contiguous land area(s) within the tract, excluding existing streams, bodies of water, wetlands, wetlands buffers, flood hazard areas within a 100 year floodplain and slopes greater than fifteen (15) percent. No development of multi-family dwelling units shall be permitted on slopes in excess of ten (10) percent slope unless the developer demonstrates that he cannot develop the permitted number of units on slopes of ten (10) percent to fifteen (15) percent. The Planning Board may permit development of residential structures on slopes of ten to fifteen (10-15) percent where such development: (a) minimizes overall site disturbance; (b) fosters preservation of existing trees; and/or (c) permits site design including parking internal traffic flow and building arrangement in accordance with Wall Township design standards.

b. Impervious Coverage. The maximum total impervious coverage shall not exceed forty (40) percent of the "developable land" area.

c. Building Coverage. The maximum land coverage by buildings shall not exceed twenty (20) percent of the "developable land" area.

d. Building Height. The maximum building height of a principal structure shall be thirty-five (35) feet. The maximum height of the clubhouse shall be thirty-five (35) feet and maximum height of all other accessory structures shall be sixteen (16) feet.

e. Maximum Stories. Each building shall be limited to two and one-half stories of habitable space and a basement all or more than fifty (50) percent below grade. Basements shall be used only for storage, utilities, garages or similar uses. Basements shall only be permitted where the seasonal depth to high water table is two (2) feet or more below the basement floor.

15-18.3.5 Regulations for Multi-Family, Single Family Cluster Detached and Single Family Cluster Attached Dwelling Units. Development in the ML-3 Zone shall be on a minimum of ten (10) acres of "developable land" and shall be subject to the following requirements:

a. Setbacks

(1) Seventy-five (75) feet from an existing public street or proposed street as designated on the Master Plan and one hundred (100) feet from an arterial highway (e.g. Routes 35, 70 and 34). Decks and patios are permissible within the setback from an existing public street or proposed street or

arterial highway. In no case shall a patio area encroach within fifty (50) feet of any such street or highway.

- (2) Twenty (20) feet from any internal or private street.
- (3) Twenty (20) feet from an internal collector parking area or driveway.
- (4) Fifty (50) feet from any external tract boundary other than a public street or arterial highway as specified in (1) above. However, decks and patios are permitted up to twenty-five (25) feet from an external tract boundary other than a street or highway.
- (5) Multi-family, quadplex or cluster single family attached dwellings shall be separated a minimum of thirty-five (35) feet from any other structure provided, however, that where structures have glass to glass exposure separation shall be sixty (60) feet unless the glass planes are at an angle greater than fifteen (15) degrees, in which case thirty-five (35) feet shall be provided. Said glass planes encompassing an angle greater than fifteen (15) degrees, includes angles created by buildings being

offset, as well as angles created by the plane of one whole building being oblique to the plane of another.

(6) Single family cluster dwelling units shall be separated by at least 20 feet, unless attached by a common wall. Single family dwelling units may be joined, however, by walls or fences which enclose private yard areas.

- b. Dwelling Unit Storage. No dwelling unit shall contain less than 300 cubic feet of storage space, which may be within attics, garages, basements or cellars, and which shall be in addition to closet space provided within the unit. If within garages, a rectangle of not less than 10 feet by 20 feet shall remain clear for parking vehicles.
- c. Dwelling Unit Width. No dwelling unit shall be less than twenty (20) feet in width.
- d. Open Space and Recreation Areas. Active and passive recreational and open space areas shall be provided and shall include landscaping and sitting and walking areas constituting not less than thirty (30) percent of the total tract area. Passive recreation areas include lands defined as non-developable under 15-18.6.4a(5).

- e. Buffer Areas. A landscaped buffer strip at least twenty-five (25) feet in width shall be permanently maintained along all property lines of the tract in accordance with the regulations of Section 15-21. The buffer area may include required setback areas. Fences of up to six (6) feet in height are permitted in buffer areas, notwithstanding Section 15.20.P.

No patio or deck area shall encroach within the buffer area.

15-18.3.6 Other Regulations. Developments in the ML-3 Zone shall be subject to the following regulations, requirements and standards:

- a. Number of Dwellings Within Buildings. Not more than four (4) dwelling units shall be contained adjacent to each other on a single plane and not more than eight (8) dwelling units shall be contained within any one building.
- b. Front Facade. The front facade of any structure containing more than one dwelling unit shall not continue on the same plane for a distance of more than the width of four (4) adjacent units. Offsets between front facade planes shall not be less than four (4) feet.

- c. Underground Utilities. All utilities shall be installed underground within the driveways, roadways or other easement areas wherever possible.
- d. Public Water and Sanitary Sewers. All dwelling units shall be served by public water and sanitary sewer systems.
- e. Garbage and Recycling Facilities. Garbage, refuse, and recycle storage and collection areas suitable for containerized collection shall be provided in sufficient number and at locations convenient to all dwelling units. Such area shall be screened from view and shall be construction of masonry, brick or concrete and be used to walk from the dwelling unit to the parking space. Where driveways are utilized to meet parking requirements, integrity and function of pedestrian walkways shall be maintained. Driveways leading to attached and freestanding garages shall have a minimum length of twenty (20) feet not including any part of a pedestrian walkway, common driveway or interior street.
- j. Open Space Ownership. Common open space, recreational or other facilities may be owned, operated and maintained in any recognized legal capacity and the maintenance of such facilities shall be the responsibility of the owner or owners.

- k. Documentation of Homeowners Association and Other Restrictive Documents. All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners association, trust documents or other deeds or documents to provide for ownership and maintenance of common property and facilities shall be submitted to the Board for review by the Board Attorney prior to final approval of any subdivision or site plan.
- l. Construction Easements. In all cases where the maintenance or repair of any wall, fence or other improvement by its owner or his agent would require entry upon an adjacent property, an appropriate easement or right shall be created in favor of the subject owner. All such easements shall be detailed and specific as to required notice and any limitations upon the right of entry and shall provide a specific means of arbitration in the event of disputes.
- m. Streets, roads, driveways, parking facilities, walkways, street lights, fire hydrants, drainage facilities and other improvements required by Chapter XVII or appropriate or necessary to the development shall be installed by and at the expense of the developer, in

accordance with the specifications of Chapter XVII, except as modified herein:

- (1) "Rolled" curbs shall be permitted, in accordance with standards approved by the Township Engineer.
- (2) Drainage maintenance (Section 17-7.14m.) in privately maintained streets shall be the responsibility of the developer or association.
- (3) Street intersections (Section 17-8.3g.3) shall be spaced not less than 600 feet on collector streets, 500 feet on local streets and 250 feet on internal roads. Intersections between private streets and those involving driveways or entrances to parking areas are not subject to these requirements but shall instead be based upon standard parking lot requirements as determined by the Board Engineer.
- (4) Tangents between reverse curves on local and private streets (Section 17-8.31.) shall be a minimum of 40 feet unless otherwise provided by the Board Engineer.
- (5) The maximum length of permanent deadend or cul-de-sac streets (Section 17-8.30) shall be five hundred

(500) feet. Loop roads are not subject to this requirement.

(6) Pedestrian crosswalks (Section 17-8.4b.) may be required in blocks over 1000' and may be straight or meandering.

n. All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Internal and private streets (Section 17-8.3.d.) shall have the following minimum pavement widths:

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| (a) With no parking | 24' (optional to add 3' for rolled top curb) |
| (b) With one-side parking | 33' (3' may be part of rolled curb) |
| (c) With two-side parking | 36' (3' may be part of rolled curb) |
| (d) An additional right-of-way of 7' shall be provided on both sides of any street, measured from the curb. | |

o. At least two (2) parking spaces shall be provided for each dwelling unit, at least one of which shall be in an

enclosed garage, and guest parking at a ratio of one (1) space for every four (4) units. Required guest parking spaces may be provided on driveways leading to attached garages, or parallel parking on internal streets in accordance with the above or within collective parking lots or areas. All parking spaces shall be within 250 feet of the dwelling unit.

- p. All sidewalks shall be a minimum of four (4) feet in width.
- q. No driveway shall enter any internal or private street at a point closer than thirty (30) feet to any internal or private street intersection which distance shall be measured between the curbline or the pavement edge or the intersecting street nearest to the driveway in question.
- r. A wall may be erected adjacent to the main entrance to the project provided that the wall is setback at least twenty-five (25) feet from the existing right-of-way of the public street, provides adequate turning radius for all emergency vehicles, and does not interfere with sight triangles. The wall shall not exceed six feet in height.
- s. A gatehouse not to exceed fifteen (15) feet in height is permitted provided that it is setback at least twenty-five (25) feet from the existing right-of-way of the

public street, provides adequate turning radius for all emergency vehicles and that the applicant agrees that it will be used for security purposes only and will never be dedicated to the public.

15-18.3.7 Soil Removal. The provisions of Section 15-5.14 of the Zoning Ordinance pertaining to the removal of soil shall apply to developments in the ML-3 Zone except as follows:

1. The provisions of Subsection 15-5.14b.1 may be modified to allow the Township Engineer to issue a permit for the removal of sub-soil as may be necessary to construct the structures approved by the approving authority.
2. The provisions of Subsection 14-5.14b.2 may be modified as required by the Planning Board to issue a temporary soil removal permit for the removal of soil, sand or gravel as may be necessary to render the premises suitable for the ML-3 development, for which a site plan or major subdivision plat has been approved. The developer shall adhere to and the Planning Board shall apply the standards of the Grading and Soil Removal Ordinance.

Section 5. If any section, subparagraph, sentence or clause, or a phrase of this Ordinance shall be held to be

invalid, such decision shall not invalidate any remaining portion of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon passage, publication according to law, and filing with the Monmouth County Planning Board.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on January 10, 1990 and will be further considered for final passage and adoption at the Municipal Courtroom, Police Headquarters Building, Allaire and Bailey Corner Roads, Wall, New Jersey on February 14, 1990 at 8:00 p.m. or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who request the same.

BEATRICE M. GASSNER, R.M.C.
Township Clerk

16

(KARNEL)

WALL TOWNSHIP
PROPOSED ML-3 MOUNT LAUREL-3 ZONE DISTRICT
AND
ZONING AMENDMENT

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JULY 5, 1989